

CHAPTER 15.04

CHULA VISTA MUNICIPAL CODE

GRADING

ORDINANCE

NUMBER 1797

AS AMENDED BY

EXCAVATION,
GRADING AND FILLS¹

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15.04.005 Purpose and intent of provisions.

The purpose of this chapter is to establish minimum requirements for grading, excavating and filling of land, to provide for the issuance of permits and for the enforcement of the requirements. These provisions are supplementary and additional to the subdivision and zoning regulations of this code and shall be read and construed as an integral part of said regulations and the land development patterns and controls established thereby. It is the intent of the city council to protect life and property and promote the general welfare; enhance and improve the physical environment of the community; and preserve, subject to economic feasibility, the natural scenic character of the city. In administering these provisions, the following goals should be respected:

- A. Ensuring that future development of lands, particularly in the hilly areas of the city, occurs in the manner most compatible with surrounding areas and so as to have the least adverse effect upon other persons or lands, or upon the general public;
 - B. Ensuring that soil will not be stripped and removed from lands in the more scenic parts of the city, leaving the same barren, unsightly, unproductive, and subject to erosion and the hazards of subsidence and faulty drainage;
 - C. Encouraging the planning, design and development of building sites in such fashion as to provide the maximum in safety and human enjoyment, while adapting development to and taking advantage of the best use of the natural terrain;
 - D. Encouraging and directing special attention toward the retaining, insofar as practical, the natural planting and a maximum number of existing trees.
- (Ord. 1797 § 1 (part), 1978.)

15.04.010 Definitions

The following words and phrases, when used in this chapter, shall be construed as defined in this section:

- 1. "Appurtenant structures" means man-made structures related to and necessitated by the proposed grading and includes paved drainage ditches, inlet structures, lined channels, culverts, outlet structures and retaining walls.
- 2. "Building pad" means that portion of an embankment and/or excavation contained within an area bounded by a line five feet outside the foundation footing.
- 3. "Building site" means that portion of an embankment and/or excavation containing the building pad(s) and lying within an area bounded by the top of slopes and/or toe of slopes within the lot or parcel.
- 4. "Certify" or "certification" means a signed written statement that the specific inspection and tests which were required have been performed and that the works comply with the applicable requirements of this chapter, the plans, and the permit.
- 5. "Compaction" means densification of a soil or rock fill by mechanical or other acceptable procedures.
- 6. "Contractor" means a contractor licensed by the state to do work covered by this chapter. A contractor may be authorized to act for a property owner in doing such work.
- 7. "Contract, private" means an agreement between a property owner and a qualified contractor to do land development work.
- 8. "Embankment" or "fill" means any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location and the condition resulting therefrom.
- 9. "Embankment, uncontrolled" means any embankment constructed as land development on which no soil testing was performed or no compaction reports or other soil reports were prepared or submitted.
- 10. "Engineer, private" means a civil engineer registered by the state. A private engineer may be authorized to act for a property owner in doing work covered by this chapter.
- 11. "Engineering geologist" means a certified engineering geologist, registered by the state, who is engaged in the practice of applying geological principles and data to engineering problems dealing with

- naturally occurring rock and soils for the purpose of assuring that geological factors are recognized and adequately interpreted in engineering practice.
12. "Erosion" means the process by which the ground surface is worn away by the action of water or wind.
 13. "Excavation or cut" means any earth, sand, gravel, rock or any similar material which is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed by man, and the conditions resulting therefrom.
 14. "Grade" means the elevation and cross-sections established for the finished surface. All grades shall be based upon the official datum of the city.
 15. "Grading" means any excavating or filling or combination thereof and shall include the land in its excavated or filled conditions.
 16. "Land development permit" means a permit issued pursuant to this chapter.
 17. "Public improvement" means publicly owned construction, structures or facilities in the public right-of-way designed for the public use, safety or general welfare.
 18. "Land development" means the making of excavations and embankments on private property and the construction of slopes, drainage structures, fences and other facilities incidental thereto, where it is necessary to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction and quality of materials.
 19. "Landscape architect" means a landscape architect, registered by the state, who performs professional work in physical land planning and integrated land development, including the design of landscape planting programs.
 20. "Landscape manual" means the current "City of Chula Vista Landscape Manual" approved by resolution of the city council.
 21. "Minor Slope" means a slope four (4) feet or less in vertical dimension in either cut or fill, between single family lots and not parallel to any roadway.
 22. "Natural terrain" means the original contour of a site prior to any grading.
 23. "Permittee" means any person to whom a permit is issued pursuant to this chapter.
 24. "Property owner" means the owner, subdivider or developer of real property which will be benefited by the proposed land development work.
 25. "Property, public" means property owned in fee by the city, or dedicated for public use.
 26. "Public rights-of-way" means public easements or dedications for streets, alleys and/or other use.
 27. "Rough grading" is the condition where the ground surface approximately conforms to the design grade, generally within 0.5 feet.
 28. "Slope" means the inclined exposed surface of a fill, excavation or natural terrain.
 29. "Slope, natural" means the predominant slope or slopes of land in its original condition prior to any grading.
 30. "Soil engineer" means a civil engineer registered by the state who submits evidence to the satisfaction of the city engineer that:
 - A. He is engaged in the practice of civil engineering and spends a majority of his time in the field of applied soil mechanics and foundations engineering;
 - B. He has at least four years of responsible practical experience in the field of applied soil mechanics;

C. He is qualified to make the investigations and determinations, render the reports and opinions and perform the duties of a soil engineer as required by this chapter.

All persons meeting the qualifications set forth above shall be recognized by the city engineer as qualified to perform soil engineering under the provisions of this chapter.

31. "Soil, expansive" means any soil which swells more than three percent when prepared and tested by a method approved by the city engineer.

32. "Subdivider" means a person, firm, corporation, partnership or association who causes land to be divided into one or more subdivisions for himself or others as defined by those sections of the Government Code known as the Subdivision Map Act.

(Ord. 1877 § 1, 1979; Ord. 1797 § 1 (part), 1978; Ord. 2128, 1985.)

15.04.015 Permit required for all land development work and soil investigations.

No person, either as property owner, contractor, private engineer or otherwise, shall do or shall cause to be done any land development work without first having obtained a permit to do such work, except as provided in Section 15.04.150.

Soil investigations by a soils engineer or engineering geologist which involves trenching or scarifying of the natural terrain shall require a permit. A special investigation fee shall be paid prior to issuance of such permit. (Ord. 1797 § 1 (part), 1978.)

15.04.020 Compliance with conditions and specifications required-Deviations from standards permitted when.

Except as herein provided, all work done in land development shall be done in accordance with the conditions of the required permit, and shall conform to the approved plans, standard drawings, specifications, landscape manual, subdivision manual, and general conditions as may be determined by the city engineer to be applicable to the work. Such documents are on file in the office of the city engineer and shall be kept for public distribution in accordance with fee schedules in said office. In connection with land development work, deviations from the requirements of these standards may be permitted by the city engineer based upon written reports and recommendations by qualified and recognized authorities subject to review by the city. (Ord. 1797 § 1 (part), 1978.)

15.04.025 Provisions not to affect other code requirements.

This chapter shall not affect the requirements of any other chapter of this code requiring permits, fees or other charges, including those for sewer and services, or affect any provisions concerning the granting of franchises. (Ord. 1797 § 1 (part), 1978.)

15.04.030 Facilities within public rights-of-way-Assignment of costs.

The following provisions of this section shall apply unless provision is made by an agreement pursuant to Sections 15.04.085 through 15.04.095 of this chapter:

- A. The property owner shall pay the city for all the cost of placing, repairing, replacing or maintaining a city-owned facility within a public right-of-way when the city's facility has been damaged or has failed as a result of the construction or existence of the owner's land development work during the process of such work.
- B. The costs of placing, replacing or maintaining the city-owned facility shall include the cost of obtaining a necessary alternate easement. (Ord. 1797 § 1 (part), 1978.)

15.04.035 Commencement and completion of work-Extension of time.

All grading and land development work shall be executed in accordance with the provisions of this chapter and the terms of the permit issued by the city engineer. Once commenced, work shall be carried out diligently until completed. Unless otherwise specified upon the permit, all work shall be completed within one hundred eighty days from the date of issuance of the permit. The city engineer may grant one extension of time for the completion of the work. Such extension shall not exceed the original length of time designated on the permit. (Ord. 1797 § 1 (part), 1978.)

15.04.040 Slopes-Design requirements generally.

The inclination of each cut or fill surface resulting in a slope shall not be steeper than two horizontal to one vertical except for minor slopes as herein defined.

All constructed minor slopes shall be designed for proper stability considering both geological and soil properties. A minor slope may be constructed no steeper than one and one-half horizontal to one vertical (1.5:1) contingent upon:

- (a) Submission of reports by both a soils engineer and a certified engineering geologist containing the results of surface and subsurface exploration and analysis. These results should be sufficient for the soils engineer and engineering geologist to certify that in their professional opinion the underlying bedrock and soil supporting the slope have strength characteristics sufficient to provide a stable slope and will not pose a danger to persons or property, and
- (b) The installation of an approved special slope planting program and irrigation system.

(Ord. 1797 § 1 (part), 1978; Ord. 2128; 1985.)

15.04.045 Building pads-Design requirements.

All building pads and building sites shall drain to an approved drainage facility unless otherwise approved by the city engineer. (Ord. 1877 § 2 (part), 1979; Ord. 1797 § 1 (part), 1978.)

15.04.050 Embankment requirements.

- A. Unless otherwise specified on the permit, all embankment for land development shall be compacted in conformance with the provisions of the standard specifications. The permit may require that an engineering geologist and/or soils engineer, as appropriate, be responsible for the

inspection and testing of the embankment work and inspection of excavations. The soils engineer and engineering geologist, if one or both are required by the permit, shall file with the city engineer reports as required by Sections 15.04.140 and 15.04.270B.

- B. Where, in the opinion of the city engineer, the construction of an uncontrolled embankment would not be contrary to the public interest or welfare, a permit for such land development may be issued in accordance with Section 15.04.285. Plans for uncontrolled embankment shall be complete in all respects except for soil analysis and compaction requirements. Uncontrolled embankment slopes shall not be steeper than three horizontal to one vertical.

(Ord. 1877 § 2 (part), 1979; Ord. 1797 § 1 (part), 1978.)

15.04.055 Expansive soil grading requirements.

If, during the grading operation, expansive soil is found within two feet in cut or three feet in fill of the finished grade of any area intended or designed as the location for a building, the permittee shall cause such expansive soil to be removed from such building area to a minimum depth of two feet in cut or three feet in fill and replaced with nonexpansive soil properly compacted; provided, however, the city engineer may, upon receipt of a report by a soils engineer certifying that he has investigated the property and recommending a design or footings or floor slab or other procedure that in his opinion will alleviate any problem created by such expansive soil, waive the requirement that such expansive soil be removed and replaced with nonexpansive soil. (Ord. 1797 § 1 (part), 1978.)

15.04.060 Landscaping and irrigation system.

All cut and fill slopes shall be planted and irrigated in accordance with an approved plan. Said plan shall be prepared in accordance with the city landscape manual and shall be approved by the City Landscape Architect. (Ord. 1797 § 1 (part), 1978; Ord. 2128; 1985.)

15.04.065 Slopes-Tops and toes to be rounded.

The tops and toes of all major slopes in public view shall be rounded in accordance with the city standard drawings. (Ord. 1797 § 1 (part), 1978.)

15.04.070 Slopes-Blending into existing terrain.

All man-made slopes shall be blended into existing terrain to produce a natural-appearing transition from the face of man-made slopes into natural ground. This blending shall be accomplished in accordance with City of Chula Vista Standard Drawings. Undulating top and toe of slopes and variable slope ratios should be used to achieve natural-appearing slopes. (Ord. 1797 § 1 (part), 1978.)

15.04.075 Slopes-Horizontal slope rounding.

Rounding shall be accomplished in accordance with the City of Chula Vista Standard Drawings. (Ord. 1797 § 1 (part), 1978.)

15.04.080 Preservation of existing monuments.

All existing survey monuments shall be shown on the grading plan. Evidence indicating that arrangements have been made for the preservation and/or relocation of existing monuments shall be submitted to the city engineer prior to issuance of a land development permit. (Ord. 1797 § 1 (part), 1978.)

15.04.085 Work in conjunction with subdivision of property-Requirements generally.

A subdivider of land required to do land development work as the result or condition of the approval of the tentative map shall perform such work under one of the following procedures, as set forth in Sections 15.04.090 and 15.04.095. (Ord. 1797 § 1 (part), 1978; Ord. 1596 § 1 (part), 1974: Ord. 1455 § 1 (part), 1973: prior code § 29.2.6 (part).)

15.04.090 Work in conjunction with subdivision of property-Standard land development permit-Requirements.

Should the subdivider desire to do certain land development work prior to entering into contract with the city to install and complete all subdivision and land development work, he may make application to do so under a standard land development permit. This application shall be accompanied by detailed plans and specifications based upon the approved tentative map and in conformity with the provisions of Sections 15.04.040 through 15.04.075 of this chapter. A schedule and estimate based upon such plans and specifications shall accompany the application. (Ord. 1797 § 1 (part), 1978.)

15.04.095 Work in conjunction with subdivision of property-Contract for completion of improvements-Requirements-Bonds.

- A. Should the subdivider desire to do certain land development work in conjunction and concurrently with installation and construction of required public improvements, he may enter into a contract with the city to make, install and complete all improvements and land developments in accordance with approved plans and specifications.
- B. Prior to any construction of improvements and/or land development, the subdivider shall have complied with and performed the following requirements:
 1. Subdivider shall file with the city clerk detailed plans and specifications (or statement that work will be accomplished in accordance with standards and specifications of the city) approved by the city engineer for all public improvements and land development together with a detailed cost estimate approved by the city engineer and an estimate of time reasonably necessary to complete the same.
 2. Subdivider shall enter into a contract with the city to make, install and complete within the time fixed by the city engineer but in no case more than two years from the date of execution of said contract, all improvements and land development in accordance with the approved plans, and shall cause to be filed with the city clerk a faithful performance bond payable to the city which shall insure the performance of the contract and the completion of the improvements and land development. The subdivider shall additionally file with the city clerk a labor and material bond to inure to the benefit of those

persons entitled to the protection of Part III, Title IV, Chapter II of the Code of Civil Procedure. A cash deposit or letter of credit may be submitted in lieu of bonds hereinbefore described. Bonds and other forms of guarantee shall be in full conformity with the requirements for subdivision guarantees as set forth in the subdivision ordinance codified at Title 18 of this code.

3. The bond or other guarantee shall be based on the city engineer's estimate of the cost of the work and in accordance with the following schedule:

- a. Faithful performance bond:

Public improvements 50% of cost estimate,
Land development. 50% of cost estimate;

- b. Labor and material bond:

Public improvements 50% of cost estimate,
Land development. 50% of cost estimate.

(Ord. 1797 § 1 (part), 1978.)

15.04.100 Building construction-Land development permit required-Prerequisite to building permit.

- A. An owner of land desiring to do land development work incidental to and in connection with the construction of a building or structure shall present an application and obtain a land development permit. The city engineer may require an on-site field inspection of the rough grading phase of the work between representatives of the city's engineering, planning and building departments and the permittee, civil engineer, soils engineer, and engineering geologist, as appropriate, before the issuance of a building permit. The permittee shall request a field inspection of the rough grading phase, if required, five working days prior to the inspection. The rough grading phase of the land development work described on form PW-E-106B shall be completed prior to the issuance of a building permit except as provided below. The city may suspend any building permit where it is found that land development is being done or has been done without a land development permit until a land development permit is issued. The city may not certify to the completion of the building where land development work has been done until a land development permit is obtained and certified as complete.
- B. Notwithstanding any provisions to the contrary in Subsection A, walls which are designed and constructed to retain earth and are also integral portions of buildings may be constructed under building permits concurrently with grading work within the project site. (Ord. 1877 § 2 (part), 1979; Ord. 1797 § 1 (part), 1978; Ord. 2128; 1985.)

15.04.105 Damaged or disused public improvements-Notification-Corrective action required.

The city engineer shall notify the property owner of such damage or failure as set forth in Section 15.04.030. The city may withhold certification of the completion of a building or other permitted work where a notice has been issued. (Ord. 1797 § 1 (part), 1978.)

15.04.110 Public to be protected from hazards during construction-Fences and barricades required when.

During the construction of land development, the contractor and owner shall take all necessary measures to eliminate any hazard resulting from the

work to the public in its normal use of public property or right-of-way. Any fences or barricades installed shall be substantially constructed and shall be properly maintained as long as the hazard resulting from the work exists. (Ord. 1797 § 1 (part), 1978.)

15.04.115 Safety precautions.

If at any stage of the work the city engineer determines that further grading as authorized is likely to endanger any public or private property or result in the deposition of debris on any public way or interfere with any existing drainage course, the city engineer may require, as a condition to allowing the work to be continued, that such reasonable safety precautions be taken as he considers advisable to avoid such likelihood of danger. The permittee will be responsible for removing any silt and debris, deposited upon adjacent and downstream public or private property, resulting from his grading operations. Silt and debris shall be removed and damage to adjacent and downstream property repaired, as directed by the city engineer. Erosion and siltation control may require temporary or permanent siltation basins, energy dissipators, or other measures as field conditions warrant, whether or not such measures are a part of approved plans. (Ord. 1877 § 2 (part), 1979; Ord. 1797 § 1 (part), 1978.)

15.04.120 Fence specifications-Modification permitted when.

- A. Where a slope is created adjacent to a public right-of-way or other publicly used property, and the top of slope is within ten feet of the property line and the height of the slope is three feet or greater and steeper than 4:1, a forty-eight inch high fence shall be erected between property line and the top of slope. The design of said fence shall be approved by the city engineer. Publicly used property is that property used frequently by persons other than the residents.
 - B. The city engineer may modify or delete the above requirements where it is evident that the land development work will present no hazard to the adjacent property or public right-of-way.
- (Ord. 1797 § 1 (part), 1978.)

15.04.125 Noncompliance.

- A. If, in the course of fulfilling his responsibility under this chapter, the private engineer or the soils engineer finds that the work is not being done in substantial conformance with this chapter or the plans approved by the city engineer or in accordance with accepted practices, he shall immediately notify the permittee, the person in charge of the grading work and the city engineer, in writing, on the nonconformity and of the corrective measures which should be taken.
 - B. In the event the work does not conform to the permit or the plans or specifications or any instructions of the city engineer, notice to comply shall be given in writing by the city engineer to the permittee. As soon as practical after a notice to comply is given, the permittee or his contractor shall begin to make the corrections.
 - C. If the city engineer finds any existing conditions not as stated in the application, land development permit or approved plans, he may refuse to approve work until approval is obtained for a revised grading plan which will conform to the existing conditions.
- (Ord. 1797 § 1 (part), 1978.)

15.04.130 Modification of approved plans.

- A. Modifications of the approved grading plan must be in writing and be approved by the city engineer and/or his designated representative. All necessary soils and geological reports shall be submitted with any substantial proposal to modify the approved grading plan.
 - B. No grading work in connection with any proposed modifications shall be permitted without the approval of the city engineer and/or his designated representative.
 - C. An additional fee shall be paid for the cost incurred by the city in reviewing and checking revised plans. Said fee shall be \$10.00 per hour and shall be paid prior to approval of the revised plans.
- (Ord. 1797 § 1 (part), 1978.)

15.04.135 Responsibility of permittee-Compliance with plans and requirements.

All permits issued hereunder shall be presumed to include the provision that the permittee, his agent, contractors and employees, shall carry out the proposed work in accordance with the approved plans and specifications and in compliance with all the requirements of the permit and this chapter. The civil engineer shall file a report as specified in Section 15.04.140. (Ord. 1797 § 1 (part), 1978.)

15.04.140 Completion of work-Final reports.

Upon completion of the work the following reports shall be filed with the city engineer unless waived by him:

- A. A written statement by the private engineer that all grading and drainage facilities have been completed in conformance with Sections 15.04.165 and 15.04.225.
- B. An as-built plan of the completed work prepared by a civil engineer.
- C. A final as-built soil engineer's report which shall include a written statement that inspections and tests were made during the grading, and that in his opinion all embankments and excavations are in accordance with the provisions of this chapter and the permit and are acceptable for their intended use. Soil bearing capacity (except where the city engineer determines such is inapplicable), summaries of field and laboratory tests and locations of tests if not previously submitted, and the limits of compacted fill on an "as-built" plan shall be included in the report. The report shall include reference to the presence of any expansive soils or other soil problems which, if not corrected, would lead to structural defects in buildings constructed on the site. If such report discloses the presence of such expansive soils or such other soil problems, it shall include recommended corrective action designed to prevent structural damage to each building proposed to be constructed upon the site. The final "as-built" report shall also contain a seepage statement or study as appropriate.
- D. A final "as-built" engineering geology report by an engineering geologist based on the "as-built" plan including specific approval of the grading as affected by geological factors. Where required by the city engineer, the report shall include a revised geologic map and cross-sections and recommendations regarding building restrictions or foundation setbacks.

(Ord. 1877 § 2 (part), 1979; Ord. 1797 § 1 (part), 1978.)

15.04.145 Notification of completion.

The permittee shall notify the city engineer when the grading operation is ready for final inspection. He shall also notify the city landscape architect when planting and irrigation are completed. Final approval shall not be given until all work, including installation of all drainage structures and facilities, sprinkler irrigation systems, planting and all protective devices have been completed and any required planting established and all as-built plans and reports have been submitted. The city engineer may accept in writing the completion of all work, or any portion of the work, required by the permit issued in accordance with this chapter and thereupon accept said work or portion thereof. (Ord. 1797 § 1 (part), 1978.)

15.04.150 Exemptions from applicability designated.

No person shall do any grading without first having obtained a land development permit except for the following:

- A. The depositing of materials in any disposal area operated or licensed by the city;
 - B. The making of excavation on any site or contiguous sites held under one ownership, in which all of the following are characteristic of the work:
 1. A cut slope having a maximum steepness of three horizontal to one vertical.
 2. A cut having a maximum vertical depth of three feet at any point and a maximum average depth of eighteen inches.
 3. No adverse effect upon an existing drainage pattern.
 4. A top of slope no closer than one foot from an exterior boundary line, and
 5. The movement of less than two hundred fifty cubic yards of material;
 - C. The making of embankment on any site or contiguous sites held under one ownership, in which all of the following are characteristic of the work:
 1. None of the embankment exceeds three feet in vertical depth or has an average maximum depth in excess of eighteen inches,
 2. None of the embankment is placed on existing ground having a slope steeper than five horizontal to one vertical,
 3. Proposed fill slopes are no steeper than three horizontal to one vertical,
 4. The embankment does not change or adversely affect the existing drainage pattern,
 5. Adequate provisions are proposed to protect the embankment from erosion,
 6. The toe of the embankment is no closer than one and one-half feet to an exterior property line, and
 7. The total volume of embankment does not exceed two hundred fifty cubic yards of material;
 - D. Excavation for foundations of buildings, structures, basements, cellars, swimming pools or basins which are authorized by appropriate permits obtained from the building and housing department;
 - E. Excavation or embankment performed by a governmental agency, franchise holder, or their contractor incidental to the construction of roadways, pipelines, or utility lines within their rights of way;
 - F. Foundations, as referred to herein, shall not be construed to include foundations for retaining walls, drainage structures, or other structures appurtenant to the land development.
- (Ord. 1797 § 1 (part), 1978.)

15.04.155 Contractor-Qualifications required.

Every person doing land development shall meet such qualifications as may be determined by the city engineer to be necessary to protect the public interest. The city engineer may require an application for qualification which shall contain all information necessary to determine the person's qualifications to do the land development. (Ord. 1797 § 1 (part), 1978.)

15.04.160 Work to be performed by licensed contractor.

All land development shall be performed by a contractor licensed by the state. (Ord. 1797 § 1 (part), 1978.)

15.04.165 Inspection of grading operations-Responsibility therefor.

- A. City Engineer. The city engineer shall be responsible for all inspections of work not otherwise delegated to some other person. These inspections include, but are not limited to: drainage facilities, fencing, and compliance with state and city regulations in regard to the health and safety of the general public.
 - B. Private Engineer. The private engineer shall be responsible for all surveying work necessary for proper construction of the grading and drainage facilities. He shall inspect the site to insure that the embankment and cut slopes are placed at their proper line and grade.
He shall, prior to the release of bonds and surety, provide a written statement that in his professional opinion, all work incorporated in the grading and drainage plans, authorized under the grading permit to include grading, drainage, and construction of appurtenant structures, have been constructed to the lines and grades in substantial conformance with the approved plans, and any approved revisions thereto.
 - C. Soil Engineer. The soil engineer shall be responsible for the testing of compaction and determination of stability of the various slopes. He shall, prior to release of the bond and surety, provide a written statement that inspections and tests were made by him, or under his supervision, and that in his professional opinion, all embankments have been compacted to city standards and in accordance with the earthwork specifications for the project.
 - D. Landscape Architect. All landscaping work shall be designed under the supervision of a landscape architect; however, a registered civil engineer or registered architect may be responsible for the inspection of all landscaping and irrigation required in accordance with the grading permit and plans if it is in conjunction with a project he has been contracted to do. He shall, prior to the release of the bond and surety, provide a written statement that in his professional opinion all work incorporated in the landscape and irrigation plans authorized under the permit have been constructed in accordance with the approved plans and revisions thereto.
 - E. Prior to the release of building permits for any given lot or lots, the private engineer shall submit a statement (Form PW-E-106B) as evidence that rough grading for land development has been completed within standard tolerance in accordance with the approved plans, and that all embankments and cut slopes and pad sizing are as shown on the approved plans.
The soils engineer will submit a statement that all embankments, under his direction, have been completed to an indicated ninety percent relative compaction of dry density.
- (Ord. 1877 § 2 (part), 1979; Ord. 1797 § 1 (part), 1978.)

15.04.170 Transfer of responsibility for approval.

If the private engineer, soil engineer, landscape architect, or engineering geologist of record are changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for approval upon completion of the work. (Ord. 1797 § 1 (part), 1978.)

15.04.175 Plans and reports to be prepared by engineers.

- A. Plans for public improvements and work involving land development authorized under this chapter shall be prepared by a civil engineer. Where soil or geologic reports or soils and geologic investigations are required, the reports and investigations shall be prepared and conducted by an engineering geologist and/or Soils engineer as appropriate.
- B. A seepage statement or study is required as a part of all soils reports. All soils engineering, geologic, and geologic engineering reports shall consist of a preliminary and a final "as-built" report. Whenever blasting is to be performed or bedrock is to be exposed, a seepage study must be performed to determine method of handling excess water infiltration.
(Ord. 1877 § 2 (part), 1979: Ord. 1797 § 1 (part), 1978.)

15.04.180 Private contract performance bond-Required when-Issuance conditions generally.

Persons performing private contract work under a permit issued in accordance with this chapter shall furnish a bond/bonds or cash deposit or instrument of credit executed by the owner or his agent, or both, as principal in accordance with the provisions codified in Sections 15.04.180 through 15.04.215.

The performance bond/bonds shall be issued by a surety company authorized to do business in the state and shall be approved as to form by the city attorney. The bond/bonds shall be in favor of the city and shall be conditioned upon the completion, free of liens, of the work authorized by the permit in accordance with the requirements of this chapter and the conditions prescribed by the permit. Slope planting and irrigation bond will be separate from the performance bond requirements for appurtenant structures and grading. They will be held in the office of the director of planning until satisfactory compliance with landscaping and irrigation has been accepted.
(Ord. 1797 § 1 (part), 1978.)

15.04.185 Private contract performance bond-Conditions-Notice of default-Contents-Effect.

The bond/bonds shall be conditioned upon the payment to the city of any costs incurred by the city or its agent in completing the required work or performing work necessary to leave the site in a nonhazardous condition. The bond/bonds shall be further conditioned upon the payment to the city or its agents in completing the work required to protect or repair adjacent public or private properties from damage from work performed under the permit. Whenever the city engineer finds that a default has occurred in the performance of any term or condition of work authorized by a permit, he shall give written notice of such default to the principal and surety of the bond. Such notice shall state the work remaining to be done, the estimated cost of completion and the

time estimated by the city engineer to be necessary for the completion of the work. After the receipt of such notice, the principal or the surety must, within the time specified, either complete the work satisfactorily or deposit with the city an amount equal to the city engineer's estimate of the completion cost plus an additional sum equal to twenty-five percent of such cost. (Ord. 1797 § 1 (part), 1978.)

15.04.190 Private contract performance bond-Principal or surety liable for cost of completing work when.

In the event that the principal or surety fails to complete such work within the time specified in the notice, or fails to deposit the estimated cost plus twenty-five percent with the city, the city engineer may cause the required work to be completed. The principal and the surety shall be liable for the cost of completing such work. (Ord. 1797 § 1 (part), 1978.)

15.04.195 Private contract performance bond-Liability of city for performance of certain work.

If the principal or surety deposits the estimated cost plus twenty-five percent as set forth in the notice, the city engineer shall cause the required work to be completed. The unexpended money shall be returned to the depositor at the completion of such work, together with an itemized accounting of the cost. The principal and surety shall hold the city blameless from any liability in connection with the work so performed by the city or contractor employed by the city. The city shall not be liable in connection with such work other than for the expenditure of said money. (Ord. 1797 § 1 (part), 1978.)

15.04.200 Private contract performance bond-Cash deposit accepted in lieu when-Default correction procedure.

In lieu of a bond, the permittee may post a cash deposit with the director of finance in an amount equal to the required bond. Notice of default as provided above shall be given to the principal, and if the default is not corrected within the time specified, the city engineer shall proceed without delay and without further notice of proceeding whatever to use the cash deposit or any portion of such deposit to complete the required work. The balance, if any, of such cash deposit shall, upon the completion of the work, be returned to the depositor or to his successors or assigns after deducting the cost of the work. (Ord. 1797 § 1 (part), 1978.)

15.04.205 Private contract performance bond-Not required when.

No performance bond under the provisions of this chapter shall be required from the state, or any of its political subdivisions or any governmental agency. (Ord. 1797 § 1 (part), 1978.)

15.04.210 Private contract performance bond-Required from certain contractors when-Exception.

A contractor working for the state or any of its political subdivisions or any governmental agency shall present a performance bond unless proof is submitted that the work is covered by a bond inuring to the benefit of the state or agency. (Ord. 1797 § 1 (part), 1978.)

15.04.215 Private contract performance bond-Conditions-Compliance with certain terms and provisions required.

Every bond or other performance guarantee shall include conditions that the permittee shall:

- A. Comply with all provisions of this chapter;
- B. Comply with all terms and conditions of the land development permit;
- C. Complete the land development work within the time limit specified in the land development permit.

(Ord. 1797 § 1 (part), 1978.)

15.04.220 Private contract performance bond-Method of estimating amount-Schedule.

The amount of the bonds or cash deposits covering a specific job shall be based on the amount of the estimate submitted by the person doing the work and approved by the city engineer and in accordance with the following schedule:

- A. Appurtenant structures.....100% of the estimated cost of retaining walls, drainage facilities or other grading appurtenances;
- B. Grading.....25% of the estimated cost. This percentage may be varied by the city engineer to fit conditions which are unusual in his opinion;
- C. Slope planting and irrigation.....100% of the estimated cost of required landscaping and irrigation facilities;
- D. Maintenance of landscaping.....100% of the estimated cost of maintaining landscaping for the period specified upon the permit.

(Ord. 1797 § 1 (part), 1978.)

15.04.225 Release of bonds/security.

Bonds and other security shall be released thirty-five days after filing a "Notice of Completion" with the county recorder (recorded copy to city engineer) for improvements accepted by this city and upon acceptance of completed Form PW-E-106 (Request for Release of Bonds) submitted by the permittee. This form is available in the office of the city engineer.

Such form may not be accepted until the end of the maintenance period for the required landscaping, unless a separate bond is or has been submitted to guarantee maintenance of landscaping. (Ord. 1877 § 2 (part), 1979: Ord. 1797 § 1 (part), 1978.)

15.04.230 City engineer-Enforcement responsibility and permit issuance authority.

The city engineer shall enforce the provisions of this chapter. He shall, upon application by qualified persons, issue permits in connection with land development when all applicable conditions established by this chapter for such permits have been met. (Ord. 1797 § 1 (part), 1978.)

15.04.235 City engineer-Powers and duties generally.

He shall cause land development being done without a permit to be stopped until a permit has been obtained. He may require that such work done without a permit be removed or corrected at the expense of the responsible person. Where land development work involves an embankment improperly constructed or constructed without adequate testing, he shall cause such embankment to be

reconstructed or, in lieu thereof, shall cause a declaration of improper land development to be recorded in the office of the county recorder. He shall have work done in connection with land development to insure compliance with the provisions of this chapter and shall release the bond when such work is properly completed. (Ord. 1797 § 1 (part), 1978.)

15.04.240 City engineer-Authority to determine applicable fees.

The city engineer shall determine the fees applicable under the provisions of this chapter. (Ord. 1797 § 1 (part), 1978.)

15.04.245 City engineer-Duty to consider certain recommendations and deny certain applications.

When the nature of the work requested is such that it comes within the requirements of, or affects the operation of any other department of the city, the city engineer shall obtain and consider the recommendations of applicable city departments in determining the disposition of the application. He shall deny applications which are not in the interest of the public health, safety or general welfare, or do not constitute a reasonable use of land as indicated by the existing zoning or an approved land use plan. (Ord. 1797 § 1 (part), 1978.)

15.04.250 City engineer-Grounds for cancelling permit or amending plans.

The city engineer may cancel a permit or may require the plans to be amended when it is in the interest of public health, safety and welfare and under any of the following:

- A. Upon the request of the permittee;
- B. When the facts are not as presented by the permittee in application;
- C. When work as constructed or as proposed to be constructed creates a hazard to public health, safety and welfare.

(Ord. 1797 § 1 (part), 1978.)

15.04.255 Appeals-Authorized when-Determination authority.

An applicant may appeal the city engineer's denial of, or the conditions of approval of, an application for a land development permit to the city council. (Ord. 1797 § 1 (part), 1978.)

15.04.260 Appeals-Time limit for filing-Form.

The applicant for a permit issued pursuant to this chapter, or the permittee, may appeal to the city council from any decision of the city engineer within ten working days after said decision. Appeals shall be in writing and shall state the specific nature of the appeal. Appeals shall be filed with the city clerk. (Ord. 1797 § 1 (part), 1978.)

15.04.265 Permits-Application-Procedure generally-Detail plan required.

Applications for permits authorizing land development work shall be made in accordance with procedures established by the city engineer. Applications shall be accompanied by such detailed plans, specifications and schedules as listed in the subdivision manual, landscape manual, and as otherwise required by the city engineer. See Sections 15.04.290 and 15.04.295 of this chapter regarding fees. (Ord. 1797 § 1 (part), 1978.)

15.04.270 Permits-Application-Detail plans and specifications required.

- A. Detailed plans and specifications for land development shall include, but not be limited to:
1. Those requirements listed in the subdivision manual;
 2. A vicinity sketch or other data adequately indicating the site location;
 3. A plot plan showing the location of the land development boundaries, lot lines, and public and private rights-of-way lines;
 4. A contour map showing the present contours of the land and the proposed contours or grid elevations. Contours will extend beyond the limits of grading at least one hundred feet;
 5. The location of any buildings or structures within the land development boundaries, and the location of any building or structure on adjacent property which is within fifteen feet of the land development boundary;
 6. Typical sections showing details concerning proposed cut and fill slopes;
 7. Adequate plans of all drainage devices, walk or other protective devices to be constructed in connection with, or as a result of the proposed work, together with a map showing the drainage area of land tributary to the site and the estimated runoff of the area served by any drainage facilities and devices;
 8. An estimate of the quantity of excavation and fill involved, quantities relative to construction of appurtenant structures, estimate of cost and estimated starting and completion dates;
 9. A landscape and irrigation plan indicating the total landscaped square footage, plant quantity, spacing, type and location and the layout of the irrigation system, and an estimate of cost of the landscaping and irrigation facilities.
- B. A soils investigation may be required to correlate surface and subsurface conditions with the proposed land development plan. The results of the investigation shall be presented in a soils report by a soils engineer which shall include, but not be limited to location of faults; data regarding the nature, distribution, and strength of existing soils and rock on the site; the soils engineer's conclusion; recommendations for grading requirements, including the correction of weak or unstable soil conditions and treatment of any expansive soils that may be present; and his opinion as to the adequacy of building sites to be developed by the proposed land development operations. The soils engineer shall provide an engineering geology report by an engineering geologist when required by the city engineer. A see-page statement or a study is required as a part of all soil reports. Whenever blasting is to be performed or bedrock is to be exposed, a seepage study must be performed to determine method of handling excess water infiltration.
- C. The city engineer may require other data or information as he deems necessary. He may eliminate or modify any of these requirements where, in his opinion, they will serve no practical purpose.
- (Ord. 1887 § 2 (part), 1979; Ord. 1797 § 1 (part), 1978.)

15.04.275 Permits-Issuance-Prerequisites and contents.

The city engineer shall issue permits for land development work upon approval of applications, plans, receipt of the prescribed fees and bonds and

receipt of letters from the private engineer, soils engineer, engineering geologist, landscape architect and others as required by the city engineer, that they have been retained by the permittee to perform the work specified in Section 15.04.165. The permits shall include, or refer to, the conditions, plans and specifications which shall govern the work authorized. (Ord. 1877 § 2 (part), 1979; Ord. 1797 § 1 (part), 1978.)

15.04.280 Investigations authorized and required when-Fee.

The city engineer may require the payment of the prescribed fees for special investigations when the proposed work or inquiries necessitate that special work be performed by the city. Special investigations shall include all requests for time extensions or variance requests and shall be accompanied by the special investigation fee. (Ord. 1797 § 1 (part), 1978.)

15.04.285 Agreement required for uncontrolled embankments-Additional specifications.

A. Applications for land development permits involving uncontrolled embankment shall be accompanied by an agreement signed by the property owner. The agreement shall be prepared by the city engineer and shall contain the following provisions and such other provisions as may in the opinion of the city engineer afford protection to the property owner and city:

1. The land development work shall be designated as uncontrolled embankment and shall be constructed in accordance with plans approved by the city engineer.
2. The owner acknowledges that as an uncontrolled embankment, the site is not eligible for a building permit unless special soils analysis and foundation design are submitted.
3. The land development work shall be done and maintained in a safe and sanitary manner at the sole cost, risk and responsibility of the owner and his successors in interest, who shall hold the city harmless with respect thereto.

B. The agreement for uncontrolled embankment shall be approved by the city council and recorded by the city clerk in the office of the county recorder as an obligation upon the land involved. The notice shall remain in effect until release of the agreement is filed by the city engineer.

(Ord. 1797 § 1 (part), 1978.)

15.04.290 Fees-Collection-Method of estimation-Verification-Payment required-Exemptions.

- A. Fees required by this chapter shall be collected by the city engineer and deposited with the director of finance. Such fees shall be as presently designated, or as may in the future be amended, in the master fee schedule.
- B. No permit shall be issued, and no land development shall be permitted until the fees applicable under this chapter have been received by the city engineer.
- C. The state or any of its political subdivisions or any governmental agency shall file applications for permits and shall be issued permits as required by this chapter. No fees shall be required when the work is done by persons working directly for the state or agency.

(Ord. 2011 § 1 (part), 1982; Ord. 1797 § 1 (part), 1978.)

15.04.295 Fees-Schedule for computation.

Fees shall be as presently designated, or as may in the future be amended, in the master fee schedule. (Ord. 1961 § 1 (part), 1982: Ord. 1797 § 1 (part), 1978.)

15.04.305 Fees-To be doubled in certain cases-Effect of imposition.

In the event that land development work is commenced without a land development permit, the city engineer shall cause such work to be stopped until a permit is obtained. The permit fee, in such instance, shall then be double that which would normally be required. The payment of such double fee shall not relieve any person from fully complying with the requirements of this chapter in the performance of the work. Such fee shall not be construed to be a penalty, but shall be construed as an added fee required to defray the expense of enforcement of the provisions of this chapter in such cases. The imposition of payment of such double fee shall not prevent the imposition of any penalty prescribed or imposed by this chapter. (Ord. 1797 § 1 (part), 1978.)

15.04.310 Violations-Declared unlawful and public nuisance-Abatement authority.

Any land development commenced, or done contrary to the provisions of this chapter, shall be, and the same is hereby declared to be, unlawful and a public nuisance. Upon order of the city council, the city attorney shall commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal, or neglect to obtain a permit as required by this chapter shall be prima facie evidence of the fact that a public nuisance has been committed in connection with any land development commenced or done contrary to the provisions of this chapter. (Ord. 1797 § 1 (part), 1978.)

15.04.315 Abatement of dangerous conditions.

Where the city engineer determines that grading has created a danger to public or private property or has resulted in the deposition of debris on any public way or interferes with any existing drainage course, the city engineer shall serve written notice on the property owner, describing the condition and requiring that the property owner abate the dangerous condition within ten days after the notice is received. If the property owner fails to so abate the condition, the city engineer may do so, in which event the property owner shall be liable for all costs of such abatement, including but not limited to reasonable attorney fees. The expenses of abatement shall be a lien against the property on which it is maintained and a personal obligation against the property owner. (Ord. 1877 § 3 (part), 1979.)

15.04.320 Emergency abatement by city-Liability for costs.

If it appears to the city engineer that an emergency exists because grading has resulted in a danger to public or private property, then, without following the procedure established by Section 15.04.315, the city engineer may order all work necessary to remove, abate or mitigate the condition creating such emergency. The city engineer may do the work with his own employees or may contract to have the work done; in either event, the city

engineer shall keep a record of the costs of the work and charge the cost of the work to the property owner who shall repay the city for the cost thereof. (Ord. 1877 § 3 (part), 1979.)

15.04.325 Costs of abatement-Special assessment procedure-Statutory authority.

The costs of abating a dangerous condition within the meaning of this chapter shall be a special assessment against the land on which such abatement was done; provided further, the city engineer shall report all such costs to the city council and at the hearing on the city engineer's report, the property owner may raise and the city council shall consider, as a complete or partial defense to the imposition of the assessment, questions as to the necessity of the abatement and the means in which it was accomplished. Pursuant to Government Code §38773.5 abatement costs shall be transmitted to the tax collector for collection. This assessment shall have the same priority as other city taxes. (Ord. 1877 § 3 (part), 1979.)

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CHULA VISTA, CALIFORNIA, HELD August 21, 1979, AND
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD August 28
1979, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen: Scott, Hyde, McCandliss
NAYES: Councilmen: None
ABSTAIN: Councilmen: Gillow, Cox
ABSENT: Councilmen: None

Will T. Hyde

Mayor of the City of Chula Vista

ATTEST

Jennie M. Fulasz
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
ORDINANCE NO. 1877, and that the same has not been amended or repealed

DATED _____

Date: _____

File No: PG- _____

TO: _____
FROM: City Engineer, City of Chula Vista
SUBJECT: Rough Grading Completion Statement for
Grading Permit No: _____
Location: _____

The purpose of this notice is to formally notify you that your building permit will not be issued until the rough grading phase of the work has been approved.

To obtain an approval of the rough grading phase, the following items must be completed and approved:

1. A compaction report when required by the permit.
2. Form PWE-106A, signed by Soils Engineer and Civil Engineer.
3. All drainage facilities, retaining walls, and rough grading per the approved plans.
4. The property lines flagged and staked.
5. All cut and fill slopes in excess of 15 feet vertically planted. Required irrigation system shall be installed at the discretion of the City official. In addition, at the discretion of the City official, any slope that is considered a potential erosion hazard must also be planted.
6. Set final grade and location stakes for pads, slopes and structures as required by the City Engineer and Director of Building and Housing.

When all the above work is completed, please contact the Department of Public Works, Construction Inspection Division, telephone 691-5028, for an inspection.

RECEIVED BY: _____
Applicant

Date: _____
PE- _____
EY- _____

TO: Field Inspection, Engineering Department
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 92010

SUBJECT: Request for Issuance of Building Permit
Land Development Permit _____
Location _____
Lot Numbers _____ through _____

The following statements are furnished as evidence of having completed the rough grading for Land Development authorized under the conditions of subject permit.

SOILS ENGINEER STATEMENT
(To be completed if Soils Engineer required)

I hereby state that inspections and tests were made by me, or under my supervision, and that in my professional opinion all embankments have been compacted to an indicated _____ % relative compaction and in accordance with the earthwork specifications for the project, subject land development permit, and the applicable sections of the City Code applying to the above statement.

Signature R.C.E. Date

CIVIL ENGINEER STATEMENT
(To be completed in all instances)

I hereby state that I have checked the building pads, cut and fill slopes and related grading as shown on the grading plans for subject permit. That in my professional judgement the grading has been completed to the lines and grades in substantial conformance with the approved plans, land development permit and applicable sections of the Chula Vista Municipal Code. All work required on Form PW-E-106B has been completed.

Signature R.C.E. Date

Applicant Date

By: _____

Date: _____
PE- _____
EY- _____

TO: Field Inspection, Engineering Department
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 92010

SUBJECT: Request for Release of Bonds - Land Development Permit No. _____
Location _____

The following statements are furnished as evidence of having completed the land development authorized under the conditions of subject permit:

SOILS ENGINEER STATEMENT
(To be completed if Soils Engineer required)

I hereby state that inspections and tests were made by me, or under my supervision, and that in my professional opinion all embankments have been compacted to an indicated _____ % relative compaction and in accordance with the earthwork specification for the project, subject land development permit, and the applicable sections of the City Code applying to the above statement.

Signature R.C.E. Date,

CIVIL ENGINEER STATEMENT
(To be completed in all instances)

I hereby state that in my professional opinion all work incorporated in the grading and drainage plans, authorized under subject permit to include grading, drainage and construction of appurtenant structures have been constructed to the lines and grades in substantial conformance with the approved plans and any approved revisions thereto, subject land development permit and the applicable sections of the City Code applying to the above statement.

Signature R.C.E. Date

I hereby request release of all bonds and deposits posted as guarantee of performance of subject work.

Applicant Date

By: _____

RELEASE OF LANDSCAPE/IRRIGATION BONDS AND LANDSCAPE MAINTENANCE
BOND TO BE PROCESSED BY CITY LANDSCAPE ARCHITECT.